

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
ISAAC DIXON,

Petitioner,

-against-

ATTICA CORRECTIONAL FACILITY,

Respondent.

ANALISA TORRES, District Judge:

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/30/2020

19 Civ. 2397 (AT)

ORDER

Having received no objections to the Report and Recommendation (the “R&R”), ECF No. 21, of the Honorable Ona T. Wang, the Court reviewed the R&R for clear error, and found none.¹ *Santiago v. Colvin*, 12 No. Civ. 7052, 2014 WL 1092967, at *1 (S.D.N.Y. Mar. 17, 2014). The R&R was sent to Petitioner’s last address. *See* 8/7/2020 Docket Entry.

The Court, therefore, ADOPTS the R&R in its entirety. Accordingly, Respondent’s motion to dismiss for lack exhaustion is GRANTED without prejudice.

The Clerk of Court is directed to terminate the motion at ECF No. 12, close the case, and mail a copy of this order to Petitioner *pro se*.

SO ORDERED.

Dated: September 30, 2020
New York, New York



ANALISA TORRES
United States District Judge

¹ On September 1, 2020, Petitioner filed a letter indicating that he had filed a notice of appeal in state court. ECF No. 24. Although Petitioner appears to have filed this appeal more than thirty days after the denial of his Criminal Procedural Law 440.10 motion on June 25, 2020, *see* ECF No. 20, the Court notes that any specific time limit for the “commencement, filing, or service of any legal action, notice, motion, or other process or proceeding, as described by the procedural laws of the state, including but not limited to the criminal procedure law” are tolled from March 20, 2020 until at least October 4, 2020. N.Y. Exec. Order No. 202.8 (March 20, 2020); *see also* N.Y. Exec. Order No. 202.60 (extending Executive Order 202.8 until October 4, 2020).